



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

The Honorable Ken Bennett
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, Arizona 85007

RE: House Bill 2484 (legislative vacancies; precinct committeemen)

Dear Secretary Bennett:

Today I vetoed House Bill 2484 relating to the appointment of legislative vacancies.

I am concerned with the bill provisions that regulate the internal process of a state recognized political party. Specifically, the bill details the process of how votes are to be cast and mandates the day of the week and the county in which the meeting must be held. I believe it is inappropriate for the State to interfere with the internal operations of the political parties in this manner.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable David Gowan
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2484

AN ACT

AMENDING SECTION 41-1202, ARIZONA REVISED STATUTES; RELATING TO LEGISLATIVE
VACANCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1202, Arizona Revised Statutes, is amended to
3 read:

4 41-1202. Vacancy in legislature; precinct committeemen;
5 appointment; definition

6 A. If a vacancy occurs in the legislature and the vacant seat was
7 represented by a political party that is organized pursuant to title 16,
8 chapter 5, article 2 and that has at least thirty elected committeemen who
9 are from precincts that are in the legislative district and that are in the
10 county in which the vacancy occurred, the following apply:

11 1. The secretary of state shall notify the state party chairman of the
12 appropriate political party of the vacancy. Within three business days after
13 notification of the vacancy by the secretary of state, the state party
14 chairman of the appropriate political party or the chairman's designee shall
15 give written notice of the meeting to fill the vacancy to all elected
16 precinct committeemen of the appropriate political party from precincts that
17 are in the legislative district ~~and that are in the county~~ in which the
18 vacancy occurred.

19 2. Those elected precinct committeemen shall ~~nominate~~ ELECT, within
20 twenty-one days after notification of the vacancy by the secretary of state
21 if the legislature is not in regular session or within ~~five~~ SEVEN days if the
22 legislature is in regular session and by a majority vote, ~~three~~ ONE qualified
23 ~~electors~~ ELECTOR to fill the vacancy who ~~meet~~ MEETS the requirements for
24 service in the legislature and who ~~belong~~ BELONGS to the same political party
25 and ~~reside~~ RESIDES at the time of nomination in the same district ~~and county~~
26 as the person elected to or appointed to the office immediately before the
27 vacancy. IF, AFTER TWO VOTES OF THE ELECTED PRECINCT COMMITTEEMEN, A
28 QUALIFIED ELECTOR HAS NOT RECEIVED A MAJORITY OF THE VOTES, THE THREE
29 QUALIFIED ELECTORS WHO RECEIVED THE HIGHEST NUMBER OF VOTES IN THE SECOND
30 ELECTION ARE NOMINATED TO FILL THE VACANCY. THE ELECTED PRECINCT
31 COMMITTEEMEN SHALL BY MAJORITY VOTE ELECT ONE OF THE THREE NOMINEES TO FILL
32 THE VACANCY.

33 3. The meeting to fill the vacancy is subject to title 38, chapter 3,
34 article 3.1, and FOR A LEGISLATIVE DISTRICT THAT CONTAINS ANY PORTION OF MORE
35 THAN ONE COUNTY, THE MEETING SHALL BE HELD ON A SATURDAY IN THE COUNTY THAT
36 CONTAINS THE LARGEST NUMBER OF ELECTED PRECINCT COMMITTEEMEN. The state
37 party chairman of the appropriate political party shall oversee the
38 nominations. Fifty per cent or more of the elected precinct committeemen of
39 the district who are in the legislative district ~~and from the county~~ in which
40 the vacancy occurred, ~~or their proxies~~, meeting together constitutes a quorum
41 for the purposes of this subsection. A precinct committeeman may ~~choose to~~
42 ~~permit the use of a proxy that:~~ NOT VOTE BY PROXY AND PROXIES MAY NOT BE USED
43 FOR PURPOSES OF DETERMINING A QUORUM.

1 ~~(a) Is given by the precinct committeeman to another elected precinct~~
2 ~~committeeman for the legislative district in which the vacancy occurred for~~
3 ~~use at the meeting to fill the vacancy.~~

4 ~~(b) Only is valid for the length of the meeting for which it was~~
5 ~~given.~~

6 ~~(c) Is attested by a notary public or two witnesses.~~

7 4. The state party chairman of the appropriate political party shall
8 IMMEDIATELY forward the names NAME of the three persons named PERSON ELECTED
9 pursuant to paragraph 2 of this subsection to the board of supervisors of the
10 county of residence of the person elected or appointed to the office
11 immediately before the vacancy occurred. The board of supervisors shall
12 appoint a person from the three nominees submitted SECRETARY OF STATE.

13 5. If the elected precinct committeemen of the appropriate political
14 party fail to fill the vacancy within twenty-one days if the legislature is
15 not in regular session or within five days if the legislature is in regular
16 session, as provided in THIS subsection A-, the state party chairman shall
17 notify the board of supervisors of the appropriate county and the board of
18 supervisors shall fill the vacancy as provided in subsection B. The time
19 frame for appointing a citizens panel shall run from receipt of notification
20 from the state party chairman.

21 B. If the vacant legislative seat was represented by a political party
22 that is organized pursuant to title 16, chapter 5, article 2 and that has
23 fewer than thirty elected committeemen who are from precincts that are in the
24 legislative district and that are in the county in which the vacancy occurred
25 or if the vacant legislative seat is not represented by a political party
26 that is organized pursuant to title 16, chapter 5, article 2, the following
27 apply:

28 1. The board of supervisors of the county of residence of the person
29 elected to or appointed to the office immediately before the vacancy shall
30 appoint within three business days after a vacancy occurs a citizens panel to
31 submit to the board within seven business days the names of three qualified
32 electors who are members of the appropriate political party and who are
33 residents of the legislative district and county in which the vacancy
34 occurred to fill the vacancy. If the person elected to or appointed to the
35 office immediately before the vacancy was a registered independent, the
36 qualified electors shall be registered as independent.


37 2. Within five business days after receiving the list of names
38 submitted by the panel and by a majority vote of all of the supervisors
39 sitting as a board, the board of supervisors shall appoint one person from
40 the list of names submitted by the panel to fill the vacancy.

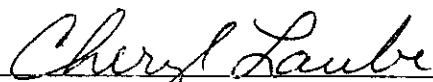
41 C. For the purposes of this section, "appropriate political party"
42 means the same political party of which the person who was elected to or
43 appointed to the office was a member immediately before the vacancy occurred.

Passed the House March 10, 2011

by the following vote: 39 Ayes,

21 Nays, 0 Not Voting

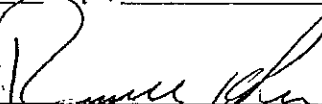

Speaker of the House

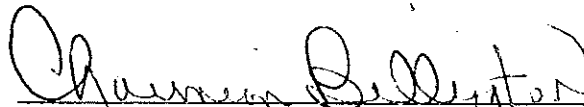

Chief Clerk of the House

Passed the Senate April 19, 2011

by the following vote: 18 Ayes,

11 Nays, 1 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2484

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 19, 2011,

by the following vote: 41 Ayes,

19 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of April, 2011,

at 8:30 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this _____ day of

20
VETO
at _____ o'clock _____ M.

Governor of Arizona

H.B. 2484

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State